

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**LOREAL NICOLE ROE, individually
and on behalf of all others similarly
situated,**

Plaintiff,

-against-

THE PHOENIX RECOVERY GROUP,

Defendant.

Civil Case Number: 6:17-cv-42-RWS-KNM

**STIPULATION AS TO STATUORY
DAMAGES AND REQUEST FOR
BRIEFING SCHEDULE**

Plaintiff Loreal Nicole Roe (“Roe”) and Defendant The Phoenix Recovery Group. (“Phoenix”) hereby agree and stipulate to entry of Judgment as follows:

1. Defendant offers the sum of One Thousand Dollars (\$1,000.00) payable to Loreal Nicole Roe for her statutory damages solely as a result of Defendant’s violations of the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692f(1), relating to Defendant’s attempts to charge the Plaintiff with a \$12.00 processing fee.
2. Plaintiff accepts the Defendant’s offer of One Thousand Dollars (\$1,000.00) payable to Loreal Nicole Roe for statutory damages arising from her FDCPA claims.
3. Defendant’s offer does not encompass Plaintiff’s claim for costs incurred and attorney’s fees, which is to be in an amount to be determined by the Court.

WHEREFORE, the parties request:

- a. That the Clerk of the Court enter a Judgment in this matter against Defendant and for Plaintiff in the amount of \$1,000.00; and
- b. That a date certain be scheduled for submission of documentation as to the attorney’s fees and costs incurred by the Plaintiff as to the Plaintiff’s FDCPA claim.

AGREED TO AND APPROVED FOR ENTRY ON MAY 7, 2018 BY:

MARCUS ZELMAN, LLC

Attorneys for Plaintiff

s/ Yitzchak Zelman

Yitzchak Zelman, Esq. (YZ5857)

701 Cookman Avenue, Suite 300

Asbury Park, New Jersey 07712

Tel: (845) 367-7146

Fax: (732) 298-6256

Email: yzelman@MarcusZelman.com

TOM CLARKE, ESQ.

Attorneys for Defendant

/s/ Tom Clarke

Tom Clarke, Esq.

Texas Bar No: 04318600

8026 Vantage Dr., Suite 105

San Antonio, Texas 78230

Tel: (210)340-8448

Fax: (210)348-7946

Email: tclarkeatty7@aol.com